

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
DELTA DIVISION**

**TRACY DARBY,**

**PLAINTIFF**

**v.**

**Civil Action No.: 2:04CV13-WAP-SAA**

**JO ANNE B. BARNHART,  
Commissioner of Social Security,**

**DEFENDANT**

**FINAL JUDGMENT**

Upon consideration of the file and records in this case, the court finds that the Report and Recommendation of the United States Magistrate Judge dated May 6, 2005, was on that date duly served upon counsel of record for plaintiff and defendant; that more than ten days have elapsed since service of said Report and Recommendations; and that no objection thereto has been filed or served by any party. The court is of the opinion that the Report and Recommendation should be approved and adopted as the opinion of the court.

It is, therefore,

**ORDERED:**

1. That the Report and Recommendations of the United States Magistrate Judge dated May 6, 2005, be, and it is hereby, approved and adopted as the opinion of the court, and that the proposed findings of fact and conclusions of law therein set out be, and they are hereby, adopted as the findings of fact and conclusions of law of the court.
2. That the final decision of the Commissioner of Social Security shall be, and it is hereby, reversed, and this case is remanded to the Commissioner for further

consideration consistent with the opinion.

SO ORDERED, this, the 16<sup>th</sup> day of August, 2005.

/s/ W. Allen Pepper, Jr.

W. ALLEN PEPPER, JR.

UNITED STATES DISTRICT JUDGE